

FILED  
1/24/23 2:39 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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In re:	:	Case No. 19-22776-GLT
	:	
SHAWN W. DEFFNER,	:	Related to Dkt. No. 65
	:	
Debtor.	:	Hearing: <b>March 8, 2023 at 11 a.m.</b>
	:	

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**ORDER CONVERTING CASE UNDER CHAPTER 13 TO  
CASE UNDER CHAPTER 7, SETTING DEADLINES, SCHEDULING  
STATUS CONFERENCE, AND TERMINATING WAGE ATTACHMENT**

The Debtor filed a notice to convert his chapter 13 case in accordance with 11 U.S.C. §1307(a) to a case under chapter 7 of title 11 of the U.S. Code.

[OR]

A party in interest has filed a motion in accordance with *11 U.S.C. §1307(c)* seeking to convert the case to a case under chapter 7 of the Bankruptcy Code (title 11 of the United States Code). The Court finds, after notice and a hearing, that the motion should be granted.

Based upon the foregoing, it hereby is **ORDERED, ADJUDGED, and DECREED** that:

1. On or before **February 21, 2023**, any party-in-interest who challenges the good faith of the conversion shall file a motion setting forth the basis of the challenge and specifically identifying the relief requested.
2. The wage attachment issued in this case are immediately terminated. The Debtor shall serve a copy of this order on the employer.
3. On or before **February 7, 2023**, the Debtor shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion as required by FED. R. BANKR. P. 1019(5)(B)(i).
4. On or before **February 7, 2023**, the Debtor shall file the statements and schedules required by FED. R. BANKR. P. 1019(1)(A) and 1007(b), if such documents have not already been filed.
5. On or before **February 23, 2023**, the Debtor shall file a statement of intention with respect to the retention or surrender of estate property securing a debt, as required by 11 U.S.C. §521(a)(2) and FED. R. BANKR. P. 1019(1)(B) and conforming to Official Form 8.
6. The chapter 13 trustee shall immediately turn over to the chapter 7 trustee all records and property of the estate remaining in her custody and control, as required

by FED. R. BANKR. P. 1019(4), except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtor.

7. On or before **March 27, 2023**, the chapter 13 trustee shall file an accounting of all receipts and distributions made using UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account. Once she has done so, the chapter 13 trustee is discharged from her duties in this case. The Court retains jurisdiction over the final report and account.
8. If the case is converted after the confirmation of a plan, then on or before **March 27, 2023**, the Debtor shall file:
  - a. A schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(i);
  - b. A schedule of unpaid debts not listed in the chapter 13 trustee's final report and account, as required by FED. R. BANKR. P. 1019(5)(C)(ii); and
  - c. A schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(iii).

The schedule of claimants under subsection (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the FED. R. BANKR. P. 1019 Report.

9. If the Debtor fails to timely file the documents required by this *Order* and FED. R. BANKR. P. 1019, a status conference shall be held on **March 8, 2023 at 9 a.m.**, in Courtroom A, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219, to determine whether additional measures are necessary to compel compliance. In accordance with Judge Taddonio's procedures, parties may appear for non-evidentiary matters remotely by utilizing the Zoom video conference platform. Parties seeking to appear remotely must register for the hearing by submitting a registration form via the link published on Judge Taddonio's website (which can be found at: <http://www.pawb.uscourts.gov/judge-taddonios-video-conference-hearing-information>) by no later than **4 p.m.** on the business day prior to the scheduled hearing. All parties participating remotely shall comply with Judge Taddonio's General Procedures (which can be found at: <http://www.pawb.uscourts.gov/sites/default/files/glt-proc.pdf>). Parties who fail to timely register for remote participation will be expected to attend the hearing in person.
10. The Clerk of Court shall send the notice required by FED. R. BANKR. P. 1019(6). If the report and schedules per paragraphs 3, 8(b), and 8(c) of this *Order* are filed in time for the Clerk to include postpetition creditors in the § 341 notice mailing, the

Clerk shall include them in that mailing. Otherwise, the Clerk shall send the notice required by FED. R. BANKR. P. 1019(6) **within ten days of the filing of the report and schedules.**

11. On or before **March 10, 2023**, all chapter 13 fee petitions by any professional shall be filed. Any fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case," and its hearing shall be self-scheduled on Judge Taddonio's chapter 13 motions calendar.
12. On or before **January 30, 2023**, counsel for the Debtor's shall serve a copy of this *Order* on all creditors in the case and file a Certificate of Service.

Dated: January 24, 2023

  
\_\_\_\_\_  
GREGORY J. TADDONIO jah  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Case administrator to mail to:

Debtor

Debtor's counsel

Ronda J. Winnecour, Esq.

Office of the U.S. Trustee

In re:  
Shawn W Deffner  
Debtor

Case No. 19-22776-GLT  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Jan 24, 2023

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 26, 2023:

Recip ID	Recipient Name and Address
db	+ Shawn W Deffner, 2316 Columbia Ave., Pittsburgh, PA 15218-1912

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
	+ Email/Text: bnc@chapter13trusteedpa.com	Jan 24 2023 23:48:00	Ronda J. Winnecour, 3250 USX Tower, 600 Grant Street, Pittsburgh, PA 15219-2702

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 26, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 24, 2023 at the address(es) listed below:

Name	Email Address
Albert G. Reese, Jr.	on behalf of Debtor Shawn W Deffner areese8897@aol.com agreese8897@gmail.com;r41196@notify.bestcase.com;officemanager@alreeselaw.com
Brian Nicholas	on behalf of Creditor ROUNDPOINT MORTGAGE SERVICING CORPORATION bnicholas@kmlawgroup.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Jan 24, 2023

Form ID: pdf900

Total Noticed: 2

Mario J. Hanyon

on behalf of Creditor Freedom Mortgage Corporation wbecf@brockandscott.com mario.hanyon@brockandscott.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

Rosemary C. Crawford

crawfordmcdonald@aol.com PA68@ecfbis.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 8